

# Notice of Allowability

Application No.

10/042,997

Examiner

Sath V. Perungavoor

Applicant(s)

CHEATLE ET AL.

Art Unit

2625

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 09/30/05.
2. ☒ The allowed claim(s) is/are 2,3,6-8,10-25,28 and 30-33.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☐ All    b) ☐ Some\*    c) ☐ None    of the:
    1. ☐ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.


**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
  - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
    - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
  - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

## Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date \_\_\_\_\_
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date \_\_\_\_\_
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_\_

  
Sath V Perungavoor  
Examiner  
Art Unit: 2625

## DETAILED ACTION

### ***REASONS FOR ALLOWANCE***

[1] The following is an examiner's statement of reasons for allowance: The instant invention is an image quality assessment method.

Regarding claims 14, 15, 16, 24, 25, 28 and 33, prior art was found for the claim limitations and applied as set forth in the non-final and final office actions. However, the applicants uniquely claimed a distinct feature in the instant invention, which are not found in the prior art, either singularly or in combination.

The distinct features being the following:

- In claim 14, 24, 25, 28 and 33 (emphasis added), “the **quality factor is determined according to the size** of said at least one subject area of interest, the composition quality increasing with the size of said at least one subject area of interest”.
- In claim 15 (emphasis added), “the **quality factor is determined according to the spatial separation of said at least one subject area of interest with respect to other parts of the image having a high relative motion**, the composition quality increasing with the amount of spatial separation”.
- In claim 16 (emphasis added), “the **quality factor is determined according to the presence of said at least one area of interest at the edges of the image**, the composition quality decreasing in the presence of said at least one area of interest at the image edges”.

These features were not found or suggested in the prior art. Any comments considered necessary by applicants must be submitted no later than the payment of the issue fee and, to avoid processing

Art Unit: 2625

delays, should preferably accompany the issue fee. Such submissions should be clearly labeled

“Comments on Statement of Reasons for Allowance.”


[2] Claims 2, 3, 6-8, 10-25, 28 and 30-33 are hereby allowed.

### ***Contact Information***

[3] Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mr. Sath V. Perungavoor whose telephone number is (571) 272-7455. The examiner can normally be reached on Monday to Friday from 8:30am to 5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mr. Bhavesh M. Mehta whose telephone number is (571) 272-7453, can be reached on Monday to Friday from 9:00am to 5:00pm. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).




Sath V. Perungavoor

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Date: October 13, 2005



**KANJIBHAI PATEL**  
**PRIMARY EXAMINER**